

REMARKS

Claims 20-27, 29-42 and 44-55 are all the claims pending in the application. Claims 20 and 35 are being amended, and claims 50 and 51 are being canceled.

I. Claim Rejections Under 35 USC § 103

A. The Examiner rejected claims 20-21, 29, 31, 33-36, 44 and 46-55 under 35 USC § 103(a) as being unpatentable over Takala (WO 99/53699) in view of Lele, et al. (hereinafter Lele) (US Patent No. 6,185,433 B1).

The Applicant amends claims 20 and 35 to incorporate the elements of claims 50 and 51, respectively, describing that where there are a plurality of alternative handling instructions set up for the message receiver, a content of the SMS message is used to select the appropriate alternative handling instruction from the plurality of alternative handling instructions. Claims 50 and 51 are being canceled.

The Examiner rejected claims 50 and 51 as obvious in view of Takala and Lele. Specifically, the Examiner stated that “Takala further discloses...a definition which reads on the claimed ‘content’ of the SMS message is used to select the appropriate alternative handling instruction...where the user has definitions that correspond to specific subscriber identifiers which provide different A-subscribers with information from the different fields.” *Office Action*, pp. 6-7. The cited section of Takala specifically states that a response is “individualized for the A-subscriber identifier,” where “the answering server 2 comprises means 10 for identifying the A-subscriber on the basis of the telephone number and/or electronic mail address,” and that

“[t]he B-subscriber may store a setting in the answering server 2 to indicate whether calls from certain numbers are to be connected to another number or to the subscriber’s own terminal equipment....” *Takala*, p. 6, lns. 20-21 and 29-32, and p. 7, ln. 20-23. As is evident from *Takala*, the response to a call is determined based on the identity of the caller, such as the telephone number or email address.

The Applicant submits that *Takala* does not disclose determining a response based on any other criteria, such as the content of the call or message. Thus, the definition of the A-subscriber identifier does not read on the “content” of the message, as recited in amended claims 20 and 35.

The Applicant further submits that the term “content” is well known in the art to include the subject matter or substance of a message, rather than identifying information about the message that is typically contained in a separate section of the message, such as a message header. The Applicant herein attaches as Appendix A the definition of “content” from Glossary.com (<http://www.glossary.com/dictionary.php?source=Dictionary&q=content>; last accessed on November 1, 2008), which states that “content” means the “message, content, subject matter, substance – (what a communication that is about something is about).” The identifying information of a message, such as the identity of the message sender, is not what the message is about, but rather who the message is from. Therefore, *Takala* does not disclose using the “content” of the message to select a particular action in response to a message, as *Takala* only uses the identity of the message sender in order to make decisions about handling the message.

The Applicant refers the Examiner to the Specification, which describes how the Automatic Reply Messages Server (“ARMS”) “uses the messages *contents* as a key to choose the

appropriate AHI, and subsequently returns the appropriate AHI to the SMSC.” *Specification*, pp. 13 -14. An example of this embodiment is provided, where “[t]he service also allows SMS subscribers to simply and easily set up one or more messages that will constitute an information provision service. For instance, sending ‘w’ will give back the current weather forecast in response, and sending ‘n’ will give back the news.” *Specification*, pp. 14-15. Therefore, Applicant’s Specification supports the use of the message contents to choose the appropriate AHI, as is claimed in claims 20 and 35.

For at least these reasons, the Applicant submits that Takala fails to disclose where the content of the SMS message is used to select the appropriate alternative handling instruction. In addition, neither Takala nor Lele provide any teaching, suggestion or motivation for using the content of a message to determine how to handle an incoming message. The Applicant respectfully requests that the rejections of claims 20 and 35 under 35 USC §103(a) be withdrawn.

As claims 21, 29, 31, 33, 34, 36, 44, 46-49 and 52-55 also depend on claims 20 or 35, the Applicant submits that these claims are allowable at least based on their dependency to claims 20 or 35.

B. The Examiner rejected claims 22-23, 26-27, 37-38 and 41-42 under 35 USC § 103(a) as being unpatentable over Takala (WO 99/53699) in view of Lele, et al. (hereinafter Lele) (US Patent No. 6,185,433 B1) as applied to claims 21 and 36, and further in view of Alperovich, et al. (hereinafter Alperovich) (US Patent No. 6,101,393).

The Applicant refers the Examiner to the arguments presented in Section A., above, and submits that claims 22-23, 26-27, 37-38 and 41-42 are allowable at least based on their dependency to claims 20 or 35.

C. The Examiner rejected claims 24 and 39 under 35 USC § 103(a) as being unpatentable over Takala (WO 99/53699) in view of Lele, et al. (hereinafter Lele) (US Patent No. 6,185,433 B1) as applied to claims 21 and 36, and further in view of Patil (US Patent No. 6,625,460).

The Applicant refers the Examiner to the arguments presented in Section A., above, and submits that claims 24 and 39 are allowable at least based on their dependency to claims 20 or 35.

D. The Examiner rejected claims 25 and 40 under 35 USC § 103(a) as being unpatentable over Takala (WO 99/53699) in view of Lele, et al. (hereinafter Lele) (US Patent No. 6,185,433 B1) as applied to claims 20 and 35, and further in view of Kraft (US Patent No. 6,424,829).

The Applicant refers the Examiner to the arguments presented in Section A., above, and submits that claims 25 and 40 are allowable at least based on their dependency to claims 20 or 35.

E. The Examiner rejected claims 30, 32 and 45 under 35 USC § 103(a) as being unpatentable over Takala (WO 99/53699) in view of Lele, et al. (hereinafter Lele) (US Patent No. 6,185,433 B1) as applied to claims 20 and 35, and further in view of Lohtia, et al. (hereinafter Lohtia) (US Patent No. 6,560,456).

The Applicant refers the Examiner to the arguments presented in Section A., above, and submits that claims 30, 32 and 45 are allowable at least based on their dependency to claims 20 or 35.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Scott H. Davison/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Scott H. Davison
Registration No. 52,800

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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